HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 6218 OF 2005

PETITIONER Smt. Krishna Devi Narmada, Aged about 41 years, W/o. Shri Surendra Singh Narmada, R/o. Vill. Kapan, Via-Akaltara, Tahsil and Dist. Janjgir-Champa. (C.G.)

Vs.

RESPONDENTS

1. Union of India
   Through Secretary
   Indian Railways, New Delhi.
2. Sr. Divisional Commercial Manager
   S.E.C. Rly. Bilaspur (C.G.)
3. Divisional Commercial Manager
   S.E.C. Railway, Bilaspur (C.G.)
4. Chief Divisional Commercial Manager
   S.E.C. Rly. Bilaspur. (C.G.)
5. Chhatrapal Singh Kumbhaj
   S/o. Braj Lal Singh Kumbhaj
   R/o. Vill. Kapan, Tah. And Dist. Janjgir-Champa (C.G.)

Present: Shri M.L. Pastore, learned counsel for the petitioner.
Shri Amit Chaudhari, learned Counsel with Miss Samata Jain, learned counsel for the respondents.

ORAL ORDER
(Passed on 13th January, 2006)

The Divisional Commercial Manager S.E.C. Railway, Bilaspur, the third respondent herein, published a notification in 'Nav Bharat', a local daily, on 27-07-2005, inviting application for appointment of Passenger Halt Agent at six places including Kapan. The petitioner applied for the post of Passenger Halt Agent at Kapan. Thereafterwards, the petitioner was called for interview on 03-10-05. The petitioner appeared for the interview along with others. The third respondent selected the fifth respondent – Chatrapal Singh Kumbhaj for appointment

to the post of Passenger Halt Agent at Kapan. The petitioner being aggrieved by the appointment of the fifth respondent has preferred this writ petition.

(2) It was contended that the appointment of the fifth respondent could not be sustained in law, because, though the third respondent conducted the interview to assess the suitable candidate for the post of Passenger Halt Agent, the result of the interview was not disclosed and fifth respondent was appointed by the third respondent by draw of lots and therefore, his appointment could not sustained in law. Learned standing counsel for the respondent/ Railways could, per contra, support the method adopted by the third respondent for selecting and appointing of the fifth respondent as Passenger Halt Agent at Kapan by drawing of lots and in support of his submission, Shri Amit Chaudhari, learned Standing Counsel for Railways draws my attention to the administrative instructions which read as under:

> "Para IV (a)(3) of Board's letter No. 99/TGIV/Halts/Policy dated 17-05-99 which was modified vide Board's letter of even number dated 8.6.99 may now be read as under:
>
> A Selection Committee of Sr. Scale Officers from Commercial, Finance and Operating Deptts shall scrutinize and shortlist the eligible offers. Selection will be by a draw of lots, drawn by any child if there is more than one suitable candidate. All the eligible candidates should be advised the date, time and venue of the draw through Courier/Regd. AD so that they may attend the draw if they so desire.

(3) The fact that there was more than one candidate for the post of Passenger Halt Agent at Kapan is not contested before me by the learned counsel for the petitioner. If there was more than one suitable

applicant for the post of Passenger Halt Agent at Kapan, as per the administrative instruction contained in para IV (a) (3) selection has to be made by draw of lots, drawn by any child. If the petitioner and the fifth respondent were found to be equally suitable for the post of Passenger Halt Agent at Kapan and since there was only one post of Passenger Halt Agent at Kapan, the method adopted by the third respondent, I should say, is in accordance with law.

(4) In the result, there is no merit in this writ petition. It is accordingly dismissed. No costs.

Sd/-
Chief Justice

Kamale